

REMARKS

After entry of this Amendment, claims 1, 5, 9, 51 and 59 will be pending in this application.

Claims 1, 5, 9 and 51 have been amended. Claim 59 has been added. Support for the claim amendments and the new claim can be found throughout the specification, particularly at page 12, lines 12-14; page 13, lines 17-22; page 15, lines 2-4; and page 15, line 23 through page 16, line 2. None of the claim amendments adds any new matter to the application.

The undersigned thanks the Examiners Marschel and Smith for taking the time to participate in a telephonic interview on August 3, 2004 to discuss the outstanding rejection under 35 U.S.C. §112.

Rejections under 35 U.S.C. §112, first paragraph

Lack of Scope of Enablement

The Examiner has rejected the pending claims stating that the specification, "while enabling for identifying certain organisms, does not reasonably provide enablement for the identification of any type of pathogen."

Applicants traverse and respectfully submit that the amended claims are enabled throughout their scope. The amended claims recite methods of aiding in the identification or diagnosis of a pathogen based on the expression of pathogen-specific genes. The fact that some experimentation may be necessary to carry out the claimed methods does not preclude enablement, so long as the amount of experimentation required is not undue. Applicants respectfully submit that in this case the amount of experimentation required is not undue since the specification teaches with specificity how the claimed methods can be carried out.

The methods necessary to carry out the invention claimed, namely methods of aiding in the identification or diagnosis of pathogens based on the identification of pathogen-specific genes, are well known in the art. The identification of these genes involves: contacting immature dendritic cells with a pathogen, isolating mRNA from the dendritic cells that have

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